

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SALVADOR SANCHEZ,

Plaintiff,

v.

BRYAN THOMAS, HAYS COUNTY, ALEC
MORENO, TAYLOR NETHERCUTT,
SHAWNE WAHLERT, JULISSA
VILLALPANDO,

Defendants.

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1:22-CV-1197-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Dustin Howell concerning Plaintiff Salvador Sanchez's ("Plaintiff") Motion for Sanctions Regarding Defendants' Spoilation, (Dkt. 94). (R. & R., Dkt. 145). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued his report and recommendation on October 9, 2024. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 145), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Sanctions Regarding Defendants' Spoilation, (Dkt. 94), is **GRANTED**.

IT IS FINALLY ORDERED that the Court will issue the following adverse instruction to the jury: "Because Defendants deleted video evidence in their possession that showed the events between 2:00 and 3:00 a.m. on May 30, 2021 in Hays County Jail, you may, but are not required to, presume that that evidence, had it been preserved, would have favored Plaintiff's account of the incident."

SIGNED on November 5, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE